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Resolution adopted by the General Assembly on 18 December 2013

[*on the report of the Third Committee (A/68/457)*]

68/186. Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking

The General Assembly,

Reaffirming its resolution 66/180 of 19 December 2011, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking",

Recalling the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000,[1] as well as the United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003,[2]

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[3] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[4] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[5] and the two Protocols thereto, adopted on 14 May 1954[5] and 26 March 1999,[6] and other relevant conventions, and reaffirming the necessity for those States that have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2349, No. 42146.
[3] Ibid., vol. 823, No. 11806.
[4] Ibid., vol. 2421, No. 43718.
[5] Ibid., vol. 249, No. 3511.
[6] Ibid., vol. 2253, No. 3511.

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Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through markets, including in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported, with the facilitation of modern and sophisticated technologies,

Reiterating the need for credible and comparable data on different aspects of trafficking in cultural property, including the links with transnational organized crime and the involvement of illicit proceeds, as well as good practices and challenges in this regard,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

Welcoming the recommendations of the joint discussion on trafficking in cultural property of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation, held in Vienna on 18 October 2012, as endorsed by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in its resolution 6/1 of 19 October 2012,[7]

Taking note of the report of the Secretariat on technical assistance provided to States in the application of the United Nations Convention against Transnational Organized Crime to new forms and dimensions of transnational organized crime,[8] including trafficking in cultural property, and the report of the Secretariat on the application of the United Nations Convention against Transnational Organized Crime by States parties with respect to criminal offences against cultural property,[9]

Taking note also of the publication by the United Nations Office on Drugs and Crime of a digest of organized crime cases, containing a compilation of cases with commentaries and lessons learned, aimed at providing policymakers and criminal justice practitioners with an analysis of concrete cases for the implementation of the United Nations Convention against Transnational Organized Crime, including with regard to trafficking in cultural property,

Taking note further of the report of the Secretary-General,[10]

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Qatar in 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and considering that one of the workshops at the Congress will focus on comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime, such as trafficking in cultural property,

Taking note of the report of the Secretariat on the potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[11]

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[7] See CTOC/COP/2012/15, sect. I.A.

[8] CTOC/COP/2012/7.

[9] CTOC/COP/WG.2/2012/3-CTOC/COP/WG.3/2012/4.

[10] E/CN.15/2013/14.

[11] UNODC/CCPCJ/EG.1/2012/2 and Add.1.

1. *Requests* Member States to continue their efforts to effectively strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, including within the framework of the United Nations Convention against Transnational Organized Crime[1] and the Commission on Crime Prevention and Criminal Justice;

2. *Recalls its invitation* to Member States, in its resolution 66/180, to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, including, in particular, procedures for its seizure, recovery and return, as well as by promoting education, launching awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures, developing the capacities and human resources of monitoring institutions, such as the police and customs services, and of the tourism sector, involving the media and disseminating information on the theft and pillaging of cultural property;

3. *Invites* Member States to consider, as appropriate, reviewing their legal frameworks, with a view to providing the most extensive international cooperation possible to fully address the issue of trafficking in cultural property, and also invites Member States to make trafficking in cultural property, including stealing and looting at archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime, with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting all forms and aspects of trafficking in cultural property and related offences;

4. *Welcomes* the recommendations of the second meeting of the open-ended intergovernmental expert group on protection against trafficking in cultural property, held in Vienna from 27 to 29 June 2012;

5. *Requests* the United Nations Office on Drugs and Crime to solicit from Member States and relevant international organizations information and statistical data on trafficking in cultural property, in particular on trafficking that involves organized criminal groups, to analyse that information and report on the findings to the Commission on Crime Prevention and Criminal Justice at its twenty-third session, and to develop in coordination with Member States an appropriate research methodology to study trafficking in cultural property, in particular the participation of organized criminal groups;

6. *Invites* Member States that have not yet done so to consider designating contact points to facilitate international cooperation within the application of the United Nations Convention against Transnational Organized Crime, for the purpose of preventing and combating trafficking in cultural property, and to report such information to the United Nations Office on Drugs and Crime for inclusion in the directory of competent national authorities;

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States in the area of protection against trafficking in cultural property and related offences, upon request and in coordination with relevant international organizations, such as the United Nations Educational, Scientific and Cultural Organization and the International Criminal Police Organization (INTERPOL), including legislative drafting assistance in order to strengthen crime prevention and criminal justice responses in this field, and to develop practical assistance tools for that purpose;

8. *Also requests* the United Nations Office on Drugs and Crime, within its mandate and in close cooperation with relevant international organizations, such as the United Nations Educational, Scientific and Cultural Organization and

INTERPOL, to raise awareness of the issue of trafficking in cultural property and related offences at the regional and international levels, including in the context of its public service announcements on organized crime and through workshops, seminars and similar events, thereby promoting synergies with the relevant entities of the United Nations crime prevention and criminal justice network;

9. *Further requests* the United Nations Office on Drugs and Crime to create a portal on its website containing all documents, tools and relevant information regarding trafficking in cultural property produced by the Office, including a link to the Database of National Cultural Heritage Laws of the United Nations Educational, Scientific and Cultural Organization and the INTERPOL database on stolen works of art;

10. *Welcomes* the progress made in exploring the development of guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, and stresses the need for their expeditious finalization, bearing in mind the importance of the matter for all Member States;

11. *Requests* the United Nations Office on Drugs and Crime to reconvene the expert group on protection against trafficking in cultural property for Member States to review and revise the draft guidelines, taking into account an updated compendium from the Secretariat of comments made by Member States on the draft guidelines, with a view to finalizing and submitting the draft guidelines to the Commission on Crime Prevention and Criminal Justice at its twenty-third session;

12. *Requests* the Secretariat, pursuant to resolution 6/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled "Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto",[7] to bring the guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, after their adoption, to the attention of the Conference of the Parties;

13. *Requests* the United Nations Office on Drugs and Crime to continue its review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[12] taking into account the views and comments expressed by Member States,[11] and requests Member States and relevant international organizations that have not yet done so to submit to the Secretariat their comments on the model treaty;

14. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

15. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution.

70th plenary meeting
18 December 2013

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[12] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B, resolution 1, annex.